

REMARKS

Claims 10, 11, 12 and 25 have been amended simply to delete reference to “prodrug” and the associated definition thereof. In addition, claims 10 and 24 have been amended to delete reference to “an optionally substituted” 3-8 membered ring in various definitions. Applicants’ undersigned representative apologizes for overlooking these instances in the previous response. These amendments are made in order to overcome formal rejections and clearly do not raise new issues.

In addition, claim 10 has been amended to delete the possibility that Q is a bond, requiring Q to be C₁₋₄ alkyl. This amendment clearly distinguishes the cited art and as it places the claim in a position for allowance, entry of the amendment after final is respectfully requested.

Finally, applicants propose to add new claims 29 and 30, at the discretion of the Examiner after final. Claim 29 is simply the same as claim 12 except the possibility of salts and enantiomers no longer is present. Proposed claim 30 is just to a composition containing this compound. If there is an objection that the number of claims has been increased, the Office may cancel claims 21 and 27. However, this seems artificial and clearly no new consideration is required with respect to claims 29 and 30 other than considerations already addressed with respect to claim 12.

Turning, now, specifically to the points raised in the outstanding Office action, applicants are grateful for accordation of the priority dates claimed herein.

As to the restriction requirement, applicants respectfully request that consideration be given to rejoining claims 15-20 as directed to a method of using compositions of what now appear to be allowable claims (MPEP § 821.04(b)). Should the Office determine that additional issues are raised

by these claims that would stand in the way of allowance, applicants request a phone call to the undersigned to discuss cancelation of these claims by Examiner's amendment.

The Rejection Under 35 U.S.C. § 112, Paragraph 1

This rejection is entirely directed to the inclusion of "prodrug" in claims 10, 11, 12 and 25. As reference to prodrugs has been deleted in all of these claims, this basis for rejection may be withdrawn.

The Rejection Under 35 U.S.C. § 112, Paragraph 2

As suggested by the Examiner, reference to "optionally substituted" in connection with 3-8 membered rings has been deleted in every occurrence. If for some reason an occurrence has been missed, a telephone call to the undersigned to make such a correction is requested.

The Rejection Under 35 U.S.C. § 102

The Office cites Cai, *et al.* (WO02/047690) for disclosure of a compound that is a species of the genus set forth in claim 10 as a basis for rejecting claims 10 and 14 (directed to compositions of the compound of claim 10). Claim 10 is proposed to be amended to obviate this rejection by deleting the possibility that Q is a bond. Since Q must now be C₁₋₄ alkyl, the compound set forth in Cai no longer anticipates. Thus, this rejection may be withdrawn.

Conclusion

It is believed that the amendment to the claims overcomes all the outstanding bases for rejection. Applicants respectfully request that claims 10-12, 14 and 21-30 be passed to issue and that claims 15-20 as amended be rejoined and passed to issue as well.

Should minor issues remain that could be resolved over the phone, a telephone call to the undersigned is respectfully requested.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket No. 415852000200.

Respectfully submitted,

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